

ABSTRACT

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Vig.II) DEPARTMENT

Read the following:-

1. G.O.Rt.No.949, Panchayat Raj and Rural Development (Vig.II) Department, dt.28.6.2004
2. G.O.Rt.No.344, Panchayat Raj and Rural Development (Vig.II) Department, dt.3.3.2005.
3. From the Engineer-in-Chief, Panchayat Raj Letter No.D.I(4)/16397/97, Dated:19.10.2006.
4. From Sri V.J.Buktha, Dy. E.E. (Retd.) representation, Dated:15.08.2006.
5. From the Hon'ble A.P.A.T. orders Dt:14.12.2006 in O.A.No.7447/2006.
6. Engineer-in-Chief, Panchayat Raj, Hyderabad Proceedings No.D.I(1)/23144/2006, Dated:08.01.2007.
7. From the Hon'ble A.P. A.T. orders Dt:10.07.2009 in O.A.No.7447/2006.
8. From the Hon'ble A.P. A.T. Notice Dt:26.11.2009 in C.A.No.1081/2009 in O.A.No.7447/2006.
9. From the ENC, PR Letter No.D.I(1)/16377/97, Dated:22.12.2009.
10. G.O.Rt.No.230, PR & RD (Vig.II) Deptt., dt: 26.2.2010.
11. From the Hon'ble A.P. Administrative Tribunal, Hyderabad, order dt:26.4.2010 in C.A.No.1081/2009 in O.A.No.7447/2006.
12. From the Engineer-in-Chief, Panchayat Raj, Hyderabad, Lr.No.D(1)/16377/97, dt:4.5.2010.

ORDER:

3. The individual has filed O.A.No.7447/06 and the Hon'ble A.P. Administrative Tribunal in its orders 5th read above has directed the Engineer-in-Chief, Panchayat Raj (i.e., 2nd respondent) to consider and pass appropriate orders on the representation of

the applicant dated 15.8.06 in the matter of granting interest on delayed payment of pensionary benefits, within a period of four weeks from the date of receipt of a copy of that order.

4. The Engineer-in-Chief, Panchayat Raj in the reference 6th read above issued orders rejecting the request of the individual for payment of interest on the pension and pensionary benefits, on the grounds that it has taken time for finalization of (3) disciplinary proceedings pending against him, as per the procedure for finalization of disciplinary cases and since there is no delay in authorizing full pension, after finalization of disciplinary proceedings pending against him.

5. The Hon'ble A.P. Administrative Tribunal in its orders 7th read above, has directed **(i)** to pay interest on the delayed payment of pensionary benefits from July, 2004, till the entire amount and retirement benefits paid to the applicant at the rate of 8% per annum; and, **(ii)** in respect of release of provisional, directed to pay the interest amount at the rate of 8% per annum from the date of his retirement till the provisional pension amount is paid in August 2001, within a period of six weeks from the date of receipt of a copy of the order. Further Hon'ble A.P. Administrative Tribunal set aside the proceedings issued by the second respondent (i.e., ENC, PR) dt.8.1.07 stating that the applicant is not entitled for payment of interest on pensionary benefits.

6. Further, the Hon'ble A.P. Administrative Tribunal, Hyderabad issued notice, vide reference 8th read above in C.A.No. 1081/2009 in O.A.No.7447/2006, to show cause as to why the C.A. shall not be admitted for willful disobedience of the orders of the Tribunal Dt:10.7.2009 in O.A.No.7447/2006.

7. The Engineer-in-Chief, Panchayat Raj, in reference 9th read above has interalia stated that, if comply the directions of the Tribunal, the interest amount @ 8 % to be paid to the Applicant from the date of his retirement to till the sanction of Provisional pension, i.e., from 1.9.97 to 31.7.2001 (i.e., 47 months) would be Rs.38,985/-; and, requested necessary orders, so as to avoid further legal complications, in the matter.

8. Government, after careful examination of the matter, have sanctioned an amount of Rs.38,985/- (Rupees thirty eight thousands nine hundred and eighty five only) towards interest on delayed payment of pension @ 8% p.a. from the period from 1.9.97 to 31.7.2001, to the Applicant, viz., Sri V.J. Bhukta, Deputy Executive Engineer (Retd.) Panchayat Raj, in view of the APAT orders Dt:10.7.2009 in O.A.No.7446/2006.

9. The Hon'ble Tribunal in the reference 11th read above has directed the respondents in C.A.No.1081/2009 in O.A.No.7447/2006, dt:26.4.2010 to arrange payment of interest on the pensionary benefits also.

10. The Engineer-in-Chief, Panchayat Raj in the reference 12th read above has stated that the individual viz., Sri V.J. Bhukta, Dy.EE (Retd.) was sanctioned provisional pension of 75% from the normal eligible service pension of Rs.3386/-, the delayed payment of interest is calculated the balance payment of service pension i.e., 25% on the service pension. For the above pensionary benefits, the amount of interest for the period from July, 2004 to 31.1.2006 which is payable during the month of February, 2006 i.e., 19 months is calculated, which amounts Rs.11, 789/- (interest on service pension: Rs.1,067/- + interest on the Gratuity sanctioned amount: Rs.10,722/-= Rs.11,789/-)(Rupees eleven thousand seven hundred and eighty nine only) and requested to issue necessary orders in the matter.

11. Government, after careful examination of the matter, have decided to pay the delayed payment of interest on the balance payment of service pension i.e., 25% on the service pension. For the above pensionary benefits, the amount of interest for the period from July, 2004 to 31.1.2006 which is payable during the month of February, 2006 i.e., 19 months is calculated, which amounts Rs.11,789/- (interest on service pension: Rs.1,067/- + interest on the Gratuity sanctioned amount: Rs.10,722/-=

Rs.11,789/-)(Rupees eleven thousand seven hundred and eighty nine only) and requested to issue necessary orders in the matter.

12. Accordingly, Government hereby sanction an amount of Rs.11, 789/- (Rupees eleven thousands seven hundred and eighty nine only) towards delayed payment of interest on service pension from the period from July, 2004 to 31.1.2006, to the Applicant, viz., Sri V.J. Bhukta, Deputy Executive Engineer (Retd.) Panchayat Raj.

13. The Engineer-in-Chief, PR, Hyderabad shall take further action in the matter.

14. This order issues with the concurrence of Finance (Pen-I) Department vide their U.O.No.4730/55/A1/Pen.I/2010, Finance (Pen.I) Department, Dated:23.02.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C.SASTRY
SPL. CHIEF SECRETARY TO GOVERNMENT

To
Sri V.J. Buktha,
Deputy Executive Engineer (Retd.),
Panchayat Raj through Engineer-in-Chief, Panchayat Raj, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad.

Copy to:
The Accountant General,
Andhra Pradesh, Hyderabad.
The Government Pleader for Panchayat Raj,
A.P. Administrative Tribunal, Hyderabad.
(w.r.t C.A.No.1081/2009 in O.A.No.7447/2006)
SF/SCs.

//Forwarded::By Order//

SECTION OFFICER.